

10A

February 15, 1968

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Hale Champion, Development Administrator
SUBJECT: ZONING REFERRAL - TABLED ITEM

Re: Petition No. Z-1043
Anthony's Pier 4, Inc.
70-100 Northern Avenue, Boston

Petitioner seeks a conditional use permit for a 100 vehicle open air parking lot in a Waterfront (W-2) district. The vacant lot is located on Pier 2, opposite the Chapel of our Lady of Good Voyage. Petitioner proposes to lease the facility to a professional parking corporation until other development is undertaken. A Conditional use permit would allow the petitioner to continue the proposed use, which is not the highest and best use for this property, indefinitely. It is therefore, recommended that the petition be denied and that the petitioner seek a temporary parking permit from the City of Boston Traffic Commission.

VOTED: That in connection with Petition No. Z-1043, brought by Anthony's Pier 4, Inc., 70-100 Northern Avenue, Boston, for a Conditional Use permit to operate a 100 vehicle open air parking lot, for a fee, in a Waterfront (W-2) district, the Boston Redevelopment Authority is opposed to the granting of the permit. A Conditional Use permit would allow the petitioner to continue the proposed use, which is not the highest and best use for this property, indefinitely. The petitioner should seek a temporary parking permit from the City of Boston Traffic Commission, and it would be our recommendation that the temporary permit be granted.

Re: Petition No. Z-1052
Northeastern University
45 Forsyth Street, Boston

Petitioner seeks three variances to erect a five story Law School Building in an Apartment (H-2) district. The proposal violates the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|--|---------------|-----------------|
| Sect. 18-1 | Front yard is insufficient | 20 | 6 |
| Sect. 18-3 | Traffic visibility across corner is insufficient | 30 | |
| Sect. 19-6 | Side yard is insufficient | 10 | 8 |

The property is located at the corner of Forsyth Street and Huntington Ave.. The building will be a reinforced concrete structure with white brick and glass exterior walls similar to other Northeastern buildings. The structure will provide additional general classroom spaces and specialized spaces for law students. A proposed City of Boston street change will eliminate the corner traffic violation which is minimal. The Fenway Project Director and Transportation Department have no objections. Approval is recommended.

VOTED: That in connection with Petition No. Z-1052, brought by Northeastern University, 45 Forsyth Street, Boston, for variances of insufficient front and side yards and insufficient visibility across corner to erect a five-story Law School building in an Apartment (H-2) district, the Boston Redevelopment Authority has no objection to the granting of the variances. A proposed City of Boston street change will eliminate the minimal corner traffic violation. The yard variances are also minimal and the structure will be consistent with the other school buildings.

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February 15, 1968

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Hale Champion, Development Administrator
SUBJECT: ZONING REFERRALS

Re: Petition No. Z-1059
Alton Cherney
245 North Street, Boston

Petitioner seeks a variance to change occupancy from eight families and two stores to ten families in a Local Business (L-2) district. The proposal violates the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---|---------------|-----------------|
| Sect. 17-1 Usable open space not provided | 100 | 0 |

The property, a five-story brick structure, is located at the corner of North and Lewis Streets. It is practically impossible to comply with the open space requirement in this area. Although the building density of this area is higher than desirable, changing two stores into apartments would have little over-all effect. No exterior changes are involved. Recommend approval.

VOTED: That in connection with Petition No. Z-1059, brought by Alton Cherney, 245 North Street, Boston, for a variance of usable open space not provided to change occupancy from eight families and two stores to ten families in a Local Business (L-2) district, the Boston Redevelopment Authority has no objection to the granting of the variance. Although the building density in this area is higher than desirable, changing two stores into apartments would have little overall effect

Re: Petition No. Z-1060
Mobil Oil Corporation
8-12 Granite Avenue, Dorchester

Petitioner seeks a change in an existing conditional use and a variance to erect a one-story addition to a gasoline service station in a Local Business (L-1) district. The proposal violates the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|--|---------------|-----------------|
|--|---------------|-----------------|

Sect. 8-6 A change in an existing conditional use
(Gasoline Service Station) requires a
Board of Appeal hearing

Sect. 20-1 rear yard is insufficient

20

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The property located at the intersection of Gallivan Boulevard and Granite Avenue, is abutted on one side by a large open lot and on the other side by a MacDonald's Drive In. The petitioner proposes to add a second service lubritorium bay to the existing one-bay Mobiloil facility. The extension will not adversely affect the adjacent properties and the rear yard violation is a pre-existing condition. Recommend approval.

VOTED: That in connection with Petition No. Z-1060, brought by Mobil Oil Corporation, 8-12 Granite Avenue, Dorchester, for a change in an existing conditional use and a variance of insufficient rear yard to erect a one-story, lubritorium bay addition to an existing gasoline service station in a Local Business (L-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposed expansion will not adversely affect the adjacent properties and the rear yard violation is an existing condition.

Re: Petition No. Z-1062

John V. Donovan

551 East Eighth Street, South Boston

Petitioner seeks seven dimensional variances to change occupancy from a parking garage to a two-family dwelling in a residential (R-.8) district. The proposal violates the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|--|---------------|-----------------|
| Sect. 14-2 Lot area per additional dwelling unit is insufficient | 4500 | 333 |
| Sect. 14-5 Distance between two buildings insufficient | 15 | 4 |
| Sect. 15-1 Floor area ratio is excessive | 0.8 | 1.0 |
| Sect. 17-1 Usable open space is insufficient | 800 | 720 |
| Sect. 18-1 Front yard is insufficient | 20 | 4 |
| Sect. 19-1 Side yard is insufficient | 10 | 0 |
| Sect. 20-1 Rear yard is insufficient | 40 | 0 |

The property is located at the corner of East Eighth and I Streets. The two-story brick structure is situated to the rear of two two-story wood buildings. The proposed conversion would increase the occupancy to four dwelling units on this 6000 square foot lot. The proposal violates practically every dimensional requirement of the code and constitutes an undesirable residential density. Recommend denial.

VOTED: That in connection with Petition No. Z-1062, brought by John V. Donovan, 551 East Eighth Street, South Boston, for variances of insufficient lot area per additional dwelling unit, insufficient distance between two buildings, excessive floor area ratio, insufficient usable open space, insufficient rear yard, side yard and front yard to change occupancy from a parking garage to a two-family dwelling in a Residential (R-.8) district, the Boston Redevelopment Authority is opposed to the granting of the petition. Practically every dimensional requirement of the code is violated and the proposed increase in density would further intensify the high residential density of this neighborhood.

Re: Petition No. Z-1063
Michael Panniello
845 East Second Street, South Boston

Petitioner seeks a variance to change occupancy from a four-family and store to five apartments in an Apartment (H-1) district. The proposal violates the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|--|---------------|-----------------|
| Sect. 17-1 usable open space is insufficient | 400 | 42.8 |

This property is located at the corner of East Second and O Streets. The petitioner proposes to convert a vacant store on the street level which he states has been vacant for approximately 18 months, into a four-room apartment. The proposal would remove a non-conforming use from this residential district, and enhance the immediate area. Approval is recommended.

VOTED: That in connection with Petition No. Z-1063, brought by Michael Panniello, 845 East Second Street, South Boston, for a variance of insufficient open space to change occupancy from a four-family and store to five apartments in an Apartment (H) district, the Boston Redevelopment Authority has no objection to the granting of the variance. The proposal would remove a non-conforming use from this residential district and enhance the immediate area.

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MEMORANDUM.

TO: Boston Redevelopment Authority

FROM: Hale Champion, Development Administrator

DATE: February 15, 1968

SUBJECT: Authorization to Petition the Zoning Commission

It is requested that the Boston Redevelopment Authority authorize the Development Administrator to petition the Zoning Commission to amend the Zoning Code text for purposes of establishing Planned Development Areas within existing Zoning Districts of the City. The proposed amendment will require a Developer, with a minimum of one acre, to submit a Development Plan of the total area for Boston Redevelopment Authority approval before petitioning the Zoning Commission for a Development Planned Area designation. The proposal also authorizes the Board of Appeal to grant exceptions from zoning provisions to the Developer so long as the variations conform to the approved Development Plan.

It is hopeful that the proposed amendment will establish a more flexible and valid zoning law and encourage large scale private development throughout the City while insuring good design by imposing planning and design controls. It should also minimize the ever increasing problem of large scale developers seeking variances from the Board of Appeal for Zoning Code violations.

The amendment further proposes to eliminate the existing Urban Renewal Subdistrict zoning regulations, which were adopted by the Zoning Commission last year, in order to include such zoning treatment as part of this amendment and in a fashion similar to the Planned Development Area proposal. This amendment, however, incorporates an extension of coverage to any parcel of land within an Urban Renewal Project Area which is subject to Boston Redevelopment Authority design controls. This extension was recently approved by the Boston Redevelopment Authority.

Proposed Amendments to Zoning Code

Amend the Boston Zoning Code as follows:

A. By striking out of Section 3-1 the three paragraphs added by amendment on September 7, 1967, and inserting in place thereof the following paragraphs:

"Within any of the subdistricts indicated on said maps there may be created planned development areas (distinguished by the addition of the letter "D" to the designation of the subdistrict), and urban renewal areas (distinguished by the addition of the letter "U" to the designation of the subdistrict).

"Planned Development Areas.

The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority:

- (a) a site plan showing the boundaries of the planned development, and
- (b) a development plan, approved by the Boston Redevelopment Authority, for the development of the planned development area, singly or in connection with other planned development areas. Such development plan shall set forth the proposed location and appearance of structures, open space, landscaping, proposed traffic circulation, off-street parking and loading facilities, and access points to public transportation, and may include proposed building elevations, schematic layout drawings and

exterior building materials. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Boston Redevelopment Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

"Urban Renewal Areas.

Upon application from the Boston Redevelopment Authority, the whole or any part of a subdistrict may be established as an urban renewal area if all land within such urban renewal area is the site of or for a low rent housing project, or a housing project for elderly persons of low income, or consists solely of land, including land under water, with respect to which an agreement has been entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in a land assembly and redevelopment, or urban renewal plan, as defined in Chapter 121 of the General Laws. Except as otherwise provided in Article 6A, urban renewal areas shall be subject to all provisions of this code applicable to the subdistrict in which the area is located."

B. By striking out Section 6-5 added by amendment on September 7, 1967, and inserting after Article 6 the following new article:

ARTICLE 6A

OTHER EXCEPTIONS

SECTION 6A-1. Authorization for Exceptional Relief in Planned Development and Urban Renewal Areas. As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 6A-2, 6A-3 and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665.

SECTION 6A-2. Procedure for Appeal. Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within twenty days after the date of such transmittal, file with the Board of Appeal a report, together with material, maps, or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not render a decision on an appeal for an exception until such report has been received and considered, except that if no such report is received within such twenty days, the Board of Appeal may render its decision without such report.

SECTION 6A-3. Conditions Required for Exception. The Board of Appeal shall allow an exception only if it finds that all of the following conditions are met:

(a) The particular parcel of land or the existing or proposed building or structure covered by the appeal is located within a planned development area or urban renewal area:

(b) The exception requested is in harmony with the general purposes and intent of this code;

(c) The exception requested is in conformity with (i) the development plan for the planned development area or (ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, and such conformity has been certified to by the Boston Redevelopment Authority;

(d) No nuisance will be created by the exception; and

(e) There will be no serious hazard to vehicles or pedestrians from the exception.

SECTION 6A-4. Other Conditions Necessary as Protection. In allowing an exception, the Board of Appeal may attach such conditions and safeguards as it deems necessary to insure harmony with the general purposes and intent of this code.

C. By striking out Section 13-5 added by amendment on September 7, 1967.